

ounces, whereas, the article was in containers of the above-mentioned size and the average weight of the pressed cake from 24 cans was less than 3.92 ounces, and the label of the article failed to bear a statement that the article fell below such standard.

DISPOSITION: 4-13-60. Consent—claimed by Whiz Fish Products Co., Inc., and relabeled.

26770. Flounder fillets and fluke fillets (fish). (F.D.C. No. 42466. S. Nos. 34-487 P, 34-493 P, 35-440 P, 55-264/5 P.)

INDICTMENT RETURNED: 5-13-59, E. Dist. Pa., against Universal Seafood Co., Inc., Philadelphia, Pa., and Daniel Diorio, president and treasurer of the corporation.

ALLEGED VIOLATION: On 3-23-59, while a quantity of fish was being held for sale after shipment in interstate commerce, the defendants, with intent to mislead and defraud, caused a quantity of sodium nitrite to be added to the fish, which act resulted in the fish being adulterated.

CHARGE: 402(a)(1)—the article bore and contained an added poisonous and deleterious substance, sodium nitrite, which rendered the article injurious to health.

PLEA: Nolo contendere.

DISPOSITION: 9-30-59. The court fined the corporation \$100 and the individual \$2,500. In addition, the court imposed a sentence of 1 year in prison against the individual and suspended sentence with respect to 11 months thereof, thereby requiring the defendant to serve 1 month in prison. The court also placed the individual on probation for 3 years. On 10-30-59, the court amended the sentence of the individual to provide for the serving of 16 days in prison instead of the 1 month originally imposed.

26771. Frozen ocean perch fillets. (F.D.C. No. 44727. S. Nos. 7-581 R, 7-661 R.)

QUANTITY: 280 5-lb. ctns., each containing individually cellophane-wrapped frozen ocean perch fillets, at Boston, Mass.

SHIPPED: These fillets were from fish caught by the fishing vessel "Ethelena" in the Atlantic Ocean outside the limits of Massachusetts, between 7-1-60 and 7-3-60.

LIBELED: 7-18-60, Dist. Mass.

CHARGE: 402(a)(3)—contained parasitic copepods and pus pockets when shipped.

DISPOSITION: 9-19-60. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

26772. Canned peaches. (F.D.C. No. 44741. S. No. 36-640 R.)

QUANTITY: 65 cases, 6 6-lb. 8-oz. cans each, at Philadelphia, Pa.

SHIPPED: 5-23-60, from Yuba City, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing decomposition.

LIBELED: 7-26-60, E. Dist. Pa.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 8-17-60. Consent—destruction.